



Federal Register

7-30-09

Vol. 74 No. 145

Thursday

July 30, 2009

Pages 37927-38090



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** www.gpoaccess.gov/nara, available through GPO Access, is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

For more information about GPO Access, contact the GPO Access User Support Team, call toll free 1-888-293-6498; DC area 202-512-1530; fax at 202-512-1262; or via e-mail at gpoaccess@gpo.gov. The Support Team is available between 7:00 a.m. and 9:00 p.m. Eastern Time, Monday–Friday, except official holidays.

The annual subscription price for the **Federal Register** paper edition is \$749 plus postage, or \$808, plus postage, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 74 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 202-512-1800
Assistance with public single copies 1-866-512-1800
(Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 202-741-6005
Assistance with Federal agency subscriptions 202-741-6005

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, September 15, 2009
9:00 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741-6008



Contents

Federal Register

Vol. 74, No. 145

Thursday, July 30, 2009

Bonneville Power Administration

NOTICES

Environmental Impact Statements; Availability, etc.:
Mid Columbia Coho Restoration Project, 38001–38002

Civil Rights Commission

NOTICES

Meetings:
Tennessee Advisory Committee, 37979

Coast Guard

RULES

Safety Zone:
BWRC 300 Enduro, Lake Moolvalya, Parker, AZ, 37933–37935
Chicago Harbor, Navy Pier Southeast, Chicago, IL, 37933
Milwaukee Harbor, Milwaukee, WI, 37935–37936

Commerce Department

See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission

NOTICES

Meetings; Sunshine Act, 37987–37988
Order Finding That the ICE Henry Financial LD1 Fixed Price Contract Traded on the Intercontinental Exchange, Inc., etc., 37988–37991

Defense Department

See Navy Department

NOTICES

Federal Acquisition Regulation:
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37991–37992

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 37992–37993

Employment and Training Administration

NOTICES

Affirmative Determination Regarding Application for Reconsideration:
Belcher–Robinson Foundry, Alexander City, AL, 38046
Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance, etc.:
Qimonda 200MM Facility, Sandston, VA, 38046
Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance, etc., 38047–38048
Negative Determinations Regarding Application for Reconsideration:
Weather Shield Manufacturing, Inc., Corporate Office, Medford, WI, 38048–38049
Westport Shipyard, Westport, WA, et al., 38049
Revised Determinations on Reconsideration:
Longview Fibre Paper and Packaging, Inc., Longview, WA, 38049–38050
Termination of Investigation:
Albion Associates, Inc., High Point, NC, 38050
Bentex Mills Inc., Greensboro, NC, 38050

Clarity Technologies, Inc., Auburn Hills, MI, 38050

Energy Department

See Bonneville Power Administration
See Federal Energy Regulatory Commission

Environmental Protection Agency

RULES

Approval and Promulgation of Air Quality Implementation Plans:
Birmingham, AL; 1997 8-Hour Ozone Contingency Measures, 37945–37948
Nebraska, 37939–37945
Revisions to the California State Implementation Plan: San Joaquin Valley Air Pollution Control District, 37948–37949

PROPOSED RULES

Approval and Promulgation of Air Quality Implementation Plans:
Birmingham, AL; 1997 8-Hour Ozone Contingency Measures, 37977

NOTICES

Access to Confidential Business Information by Science Applications International Corporation and Eastern Research Group, 38004
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 38004–38012
Meetings:
NACEPT Subcommittee on Promoting Environmental Stewardship, 38012
Product Cancellation Order:
Triclosan, 38012–38013
Product Stewardship Program for Six Siloxanes, etc., 38013–38015
Proposed Consent Decree and Proposed Settlement Agreement:
Clean Air Act Citizen Suit, 38015–38016

Federal Aviation Administration

RULES

Airworthiness Standards:
Fire Protection, 37927–37930
Amendment of Class E Airspace:
Ironwood, MI, 37930–37931
Monee, IL, 37931–37932

PROPOSED RULES

Airworthiness Directives:
Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–135BJ, –135ER, –135KE, –135KL, –135LR, et al. Airplanes, 37965–37968
Engine Components, Inc. (ECi) Reciprocating Engine Cylinder Assemblies, 37955–37963
McDonnell Douglas Model DC 9 14, DC 9 15, and DC 9 15F Airplanes; and McDonnell Douglas Model DC–9–20, DC–9–30, DC 9 40, and DC 9 50 Series Airplanes, 37963–37965
Crew Resource Management Training for Crewmembers in Part 135 Operations, 37971–37973
Proposed Amendment of Class D and Class E Airspace: Topeka Forbes Field Airport, KS, 37968–37969
Proposed Amendment of Class E Airspace: Peoria, IL, 37969–37970

Proposed Establishment of Class E Airspace:
Little River, CA, 37970–37971

NOTICES

Petition for Exemption:

Summary of Petition Received, 38082–38084
Surplus Property Release at Jackson International Airport,
Jackson, MS, 38085

Federal Communications Commission**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38016–38018
Auction of Broadband Radio Service (BRS) Licenses
Scheduled for October 27, 2009:
Notice and Filing Requirements, Minimum Opening Bids,
Upfront Payments, and Other Procedures (for
Auction 86), 38018–38033

Federal Energy Regulatory Commission**RULES**

Annual Update of Filing Fees, 37932–37933

PROPOSED RULES

Pipeline Posting Requirements under Section 23 of the
Natural Gas Act, 37975–37976

NOTICES

Applications:

America Renewables, LLC, 37994–37995
Henry County, IA, 37994
Lock Hydro Friends Fund I, LLC, 37993–37994
Combined Notice of Filings, 37995–38001
Environmental Impact Statements; Availability, etc.:
Duke Power Company, LLC, 38002
Filings:
North American Electric Reliability Corp., 38002–38003
Northwest Wind Partners, LLC, 38003
Proposed Restricted Service List for a Programmatic
Agreement for Managing Properties, etc.:
Soule Hydro, LLC, 38003–38004

Federal Highway Administration**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38080–38082

Federal Trade Commission**PROPOSED RULES**

Private Vocational and Distance Education Schools, 37973–
37975

Food and Drug Administration**NOTICES**

Availability of Draft Guidance on E16 Genomic Biomarkers
Related to Drug Response, 38033–38034
Guidance for Industry on Drug-Induced Liver Injury:
Premarketing Clinical Evaluation; Availability, 38035–
38036

General Services Administration**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38033
Federal Acquisition Regulation:
Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 37991–37992

Health and Human Services Department

See Food and Drug Administration

See Health Resources and Services Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services
Administration

Health Resources and Services Administration**NOTICES**

Family-To-Family Health Information Center Program,
38034–38035

Part C Early Intervention Services Grant, 38038

Homeland Security Department

See Coast Guard

Interior Department

See Land Management Bureau

NOTICES

Request for Nominations for the Invasive Species Advisory
Committee, 38039

Internal Revenue Service**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38085–38089

International Trade Administration**NOTICES**

Application for Duty-Free Entry of Scientific Instruments,
37979–37980

Labor Department

See Employment and Training Administration

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38044–38046

Land Management Bureau**NOTICES**

Alaska Native Claims Selection, 38040–38043

Meetings:

BLM Colorado Southwest Resource Advisory Council;
Correction, 38043
Proposed Reinstatement of Terminated Oil and Gas Lease:
Wyoming, 38043–38044

Maritime Administration**NOTICES**

Requested Administrative Waiver of the Coastwise Trade
Laws, 38084–38085

National Aeronautics and Space Administration**NOTICES**

Federal Acquisition Regulation:

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 37991–37992

National Archives and Records Administration**NOTICES**

Records Schedules; Availability and Request for Comments,
38050–38052

National Highway Traffic Safety Administration**NOTICES**

Petition for Decision of Inconsequential Noncompliance:
Bentley Motors, Inc., 38082

National Institutes of Health**NOTICES**

Meetings:

National Diabetes and Digestive and Kidney Diseases,
38037–38038

National Institute of Allergy and Infectious Diseases,
38037
National Institute on Drug Abuse, 38037

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Northeastern United States:
Atlantic Sea Scallop Fishery; State Waters Exemption,
37952–37954

PROPOSED RULES

Fisheries of the Northeastern United States:
Northeast (NE) Skate Complex Fishery; Control Date for
the Purpose of Limiting Entry, etc., 37977–37978

NOTICES

Evaluation of State Coastal Management Programs and
National Estuarine Research Reserves, 37980
Meetings:
Caribbean Fishery Management Council, 37981–37986
Mid-Atlantic Fishery Management Council, 37980–37981
Solicitation of Members:
External Advisory Panel for NOAA's Oceans and Human
Health Initiative, 37986–37987

National Science Foundation**NOTICES**

Permits Denied Under the Antarctic Conservation Act
(1978), 38052

Navy Department**NOTICES**

Meetings:
Partially Closed; U.S. Naval Academy Board of Visitors,
37992

Nuclear Regulatory Commission**NOTICES**

Applications:
Areva Enrichment Services, LLC, 38052–38062
Orders Imposing Civil Monetary Penalty
MISTRAS Holding Group et al.; Burr Ridge, IL, 38062–
38063

Postal Regulatory Commission**RULES**

Priority Mail Contract, 37936–37939

Securities and Exchange Commission**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38064–38065
Self-Regulatory Organizations; Proposed Rule Changes:
Chicago Board Options Exchange, Inc., 38067–38068,
38070–38072
Financial Industry Regulatory Authority, Inc., 38077–
38078
International Securities Exchange, LLC, 38068–38070
NASDAQ OMX BX, Inc., 38065–38067
NASDAQ Stock Market, LLC, 38073–38077

Small Business Administration**NOTICES**

Disaster Declarations:
Arkansas, 38064
North Carolina, 38064
Pennsylvania, 38063–38064

State Department**NOTICES**

Determinations Pursuant to Section 451 of Foreign
Assistance Act:
Guatemala and Dominican Republic Helicopter Programs,
38078
Meetings:
Revision of UNCITRAL Arbitration Rules; Advisory
Committee on Private International Law, 38078
Preparation of Fifth U.S. Climate Action Report, 38078–
38079

**Substance Abuse and Mental Health Services
Administration****NOTICES**

Intent to Award a Single Source Supplement Grant to the
Community Anti-Drug Coalitions of America (CADCA),
38036–38037

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Maritime Administration

See National Highway Traffic Safety Administration

RULES

Procedures for Transportation Workplace Drug and Alcohol
Testing Programs, 37949–37952

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38079–38080

Treasury Department

See Internal Revenue Service

Veterans Affairs Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 38089

Reader Aids

Consult the Reader Aids section at the end of this page for
phone numbers, online resources, finding aids, reminders,
and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents
LISTSERV electronic mailing list, go to <http://listserv.access.gpo.gov> and select Online mailing list
archives, FEDREGTOC-L, Join or leave the list (or change
settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

14 CFR

3337927
71 (2 documents)37930,
37931

Proposed Rules:

39 (3 documents)37955,
37963, 37965
71 (3 documents)37968,
37969, 37970
13537971

16 CFR**Proposed Rules:**

25437973

18 CFR

38137932

Proposed Rules:

28437975

33 CFR

165 (3 documents)37933,
37935

39 CFR

302037936

40 CFR

52 (3 documents)37939,
37945, 37948

Proposed Rules:

5237977

49 CFR

4037949

50 CFR

64837952

Proposed Rules:

64837977